

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

RightCHOICE Managed Care, Inc., *et al.*,

Plaintiffs,

v.

Hospital Partners, Inc.; Hospital Laboratory Partners, LLC; Empower H.I.S. LLC; LifeBrite Laboratories, LLC; RAJ Enterprises of Central Florida, LLC d/b/a Pinnacle Laboratory Services; Labmed Services, LLC; SeroDynamics, LLC; Lucenta Labs, LLC; David Byrns; Jorge Perez; Christian Fletcher; James F. Porter, Jr.; Beau Gertz; and Mark Blake.

Defendants.

Civil Action No.
5:18-CV-06037-DGK

**STIPULATION REGARDING
ENTRY OF AMENDED HIPAA
QUALIFIED AND GENERAL
PROTECTIVE ORDER**

Discovery in this matter involves the production or disclosure of sensitive information that requires a heightened level of confidentiality, including protected health information as defined in 45 C.F.R. § 160.103. The parties originally stipulated to a Stipulated HIPAA Qualified and General Protective Order (the “Current Protective Order”) on October 18, 2018. (Dkt. 116.) As discovery has progressed, the parties¹ have determined that data maintained in certain databases is relevant to this matter and that, because such data must be transmitted in native form, the Current Protective Order does not sufficiently protect that information. Accordingly, the parties have conferred

¹ As used herein, the term “parties” includes all parties other than Defendant Hospital Partners, Inc., whose counsel is currently not in communication with his client.

and agreed upon the terms of an Amended Stipulated HIPAA Qualified and General Protective Order that the parties agree provides sufficient protection to this type of data. Therefore, the parties hereby stipulate to and request that the Court enter the Amended HIPAA Qualified and General Protective Order submitted to the Court herewith.

Respectfully submitted this 25th day of July 2019.

*Counsel for Defendants Empower H.I.S.
L.L.C. and Jorge Perez*

/s/ Ronald D. Marney II (w/consent)

**SANDBERG PHOENIX & VON
GONTARD P.C.**

Ronald D. Marney II MO Bar #47141
Meghan Sholy MO Bar #71174
Michael Rudd MO Bar #71591
4600 Madison Ave. Suite 1250
Kansas City, MO 64112
T: (816) 627-5332
rmarney@sandbergphoenix.com
msholy@sandbergphoenix.com
mrudd@sandbergphoenix.com

Counsel for Defendant David Byrns

/s/ J. Justin Johnston (w/consent)

J. Justin Johnston KS Bar #20101
811 Grand Blvd., #101
Kansas City, MO 64106
T: (816) 739-4538
jjj@johnsontlawkc.com

Counsel for Plaintiffs

By: /s/ Michael L. Jente

LEWIS RICE LLC

Neal F. Perryman, MO Bar #43057
Michael L. Jente, MO Bar #62980
600 Washington Avenue, Suite 2500
St. Louis, Missouri 63101
T: (314) 444-7600
nperryman@lewisrice.com
mjente@lewisrice.com

ROBINS KAPLAN LLP

Jeffrey S. Gleason (admitted *pro hac vice*)
Jason W. Pfeiffer, MO Bar #50104
Nathaniel J. Moore (admitted *pro hac vice*)
Amira A. ElShareif (admitted *pro hac vice*)
Jaime J. Wing (admitted *pro hac vice*)
800 LaSalle Avenue
Minneapolis, Minnesota 55402
T: (612) 349-8500
F: (612) 339-4181
jgleason@robinskaplan.com
jpfeiffer@robinskaplan.com
nmoore@robinskaplan.com
aelshareif@robinskaplan.com
jwing@robinskaplan.com

*Counsel for Defendants LabMed Services,
LLC, SeroDynamics, LLC, Beau Gertz, and
Mark Blake*

/s/ Gregory J. Minana (w/consent)

HUSCH BLACKWELL LLP

Gregory J. Minana MO Bar #38004
JR Montgomery MO Bar #68281
4801 Main Street, Suite 1000
Kansas City, Missouri 64112
T: (816) 983-8000
F: (816) 983-8080
Greg.Minana@huschblackwell.com
JR.Montgomery@huschblackwell.com

Counsel for Defendant James F. Porter, Jr.

/s/John Edwards (w/consent)

BRINER LAW GROUP LLC

Jennifer E. Briner
424 S. Woods Mill Road Suite 330
Chesterfield, MO 63017
T: (314) 478-7227
Jenny.Briner@brinerlaw.com

JOSEPH, ALEEM & SLOWIK, LLC

Mohamad Ahmad (admitted *pro hac vice*)
Yussuf Abdel-Aleem (admitted *pro hac*
vice)
John Edwards (admitted *pro hac vice*)
1355 Peachtree Street NE Suite 700
Atlanta, GA 30309
T: (470) 955-3419
mohamad@josephaleem.com
yussuf@josphaleem.com
john@josephaleem.com

THE SCHWARTZ LAW GROUP, P.A.

Seth Schwartz (admitted *pro hac vice*)
10365 Hood Road South Suite 104
Jacksonville, FL 32257
T: (904) 292-0222

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed electronically with the United States District Court for the Western District of Missouri, through the Court's CM/ECF system, on the 25th day of July 2019, with notice of case activity sent to counsel of record.

/s/ Michael L. Jente